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MAR 29 2004

OFFICE OF PETITIONS

In re Application of :
Barry Schwab :
Application No. 09/846,933 :
Filed: May 1, 2001 :
Attorney Docket No.: TTI-102-D :
[12209.11242] :
Title: SECURE INTERACTIVE DIGITAL :
SYSTEM FOR DISPLAYING ITEMS TO A :
USER IDENTIFIED AS HAVING :
PERMISSION TO ACCESS THE SYSTEM :

DECISION ON RENEWED PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b)¹, filed March 1, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed August 31, 2001, which set a shortened statutory period for reply of two (2) months. The notice set forth that a properly executed oath or declaration in compliance with 37 C.F.R. 1.63, a surcharge for its late filing, and substitute drawings were required to avoid abandonment. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 1, 2001.

¹ A grantable petition pursuant to 37 CFR §1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

On November 10, 2003, petitioner filed the original petition under 37 C.F.R. §1.137(a), which was dismissed via the mailing of a decision on March 2, 2004, for failure to submit the required reply and to establish that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

With the renewed petition, Petitioner has submitted the petition fee, the surcharge associated with the late filing of an oath or declaration², substitute drawings, and a declaration, along with the proper statement of unintentional delay.

Accordingly, the petition is **GRANTED**.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanowski
Attorney
Office of Petitions
United States Patent and Trademark Office

² The surcharge has been charged to Petitioner's Deposit Account, as authorized in the petition.